UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:	)	CASE NO. 13-10280
	)	CHAPTER 13
TRAVIS ALLEN BICKER	)	REG/JD
SCOTIAN MARIE BICKER	)	
	)	
Debtors	)	

DECISION AND ORDER ON MOTION TO RESTRICT ACCESS

On August 10, 2015

U.S. Bank has filed a motion to restrict access to filings it previously made because they contain personally identifiable information. The motion may only be granted in part because it fails to comply with Bankruptcy Rule 9013, which requires motions to state both the relief sought and the grounds therefor with particularity. Fed. R. Bankr. P. Rule 9013. While the motion sets out the grounds for the relief sought, probably with excessive detail,[1] it fails to sufficiently "set forth the

[1]Particularity is not the same thing as verbosity. It requires only that the movant provide the who, what, when, where, and why associated with pleading things like fraud and mistake. See, Fed. R. Civ. P. Rule 9(b). See also, U.S. ex. rel. Garst v. Lockheed-Martin Corp., 328 F.3d 374, 376 (7th Cir. 2003) (citing DiLeo v. Ernst & Young, 901 F.2d 624, 627 (7th Cir. 1990)); In re White, 409 B.R. 491 (Bankr. N.D. Ind. 2009). Here, those requirements would be satisfied by naming the filer of the motion and documents in issue (the who); identifying which documents are to be redacted and when they were filed (the what and when); and stating that they contain personally identifiable information that should be redacted (the why). The motion would then close with a prayer stating precisely what the movant would like the court to do. Consequently, the motion needs little more than three or four short, single sentence paragraphs, not counting the introduction and the closing request for relief. This motion is six pages long, not counting exhibits. Garst, 328 F.3d at 376 ("it is possible to write a short statement narrating the claim – which is to say, the basic grievance – even if Rule 9(b) requires supplemental particulars") (emphasis original).

On a related note, the motion is also a study in how unhelpful acronyms, initialisms, or other alternate terms for something can be. Much like the wizards and witches in J.K. Rawlings Harry Potter series, where Lord Voldermort is "He who must not be named," rather than stating what is actually being talked about, the motion creates and then uses terms like "PII"; "Designated Filings"; "Replacement Filings"; "GLBA" and "OCC". Such terms do not enhance the reader's comprehension. See, Delaware Riverkeeper Network v. F.E.R.C., 753 F.3d 1304, 1321 (C.A. D.C. 2014 ("The use of obscure acronyms, sometimes those made up for a particular case, is an

relief sought." Id.

Movant would like the court to restrict access to "designated filings" and be allowed to file redacted versions of those submissions, but it never really tells the court what those filings might be. The closest the motion comes to doing so is at the end of paragraph 1, where it talks about "Proof of Claim No. 18 and the Notice of Payment Change in the above-captioned case," all of which are referred to as "Designated Filings." Even the prayer reiterates that terminology, asking the court to restrict access to the "Designated Filing" and authorize movant to file replacements. While this constitutes a sufficient identification of the proof of claim, the bank has filed five notices of payment change. Which one does it want to redact? Presumably it knows, and it should say so. While there are exhibits attached to the motion that, if painstakingly compared with the notices that were previously filed, might enable the court to determine which notice is in issue, it should not have to do so, especially when the movant knows precisely which notice or notices it has in mind. See, United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) ("Judges are not like pigs, hunting for truffles buried in briefs.").

IT IS THEREFORE ORDERED that the motion to restrict access filed by U.S. Bank, N.A., is granted, in part. U.S. Bank may file an amended version of proof of claim no. 18 appropriately redacting personal information for the public record, and upon doing so the clerk shall take the steps

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aggravating development of the last twenty years. Even with a glossary, a judge finds himself or herself constantly looking back to recall what an acronym means."); Garst, 328 F.3d at 376 ("The statement is loaded with so many acronyms and cross-references . . . that no one could understand it without juggling multiple documents"); Hon. Alex Kozinski, The Wrong Stuff: How You Too ... Can Lose Your Appeal, ("LBE's complaint more specifically alleges that NRB failed to make and appropriate determination of RPT and TIP conformity to SIP. . . . Even if there was a winning argument buried in the midst of that gobbledygook, it was DOA," 1992 BYU L. Rev. 328, 328 (1992).

necessary to restrict electronic access to the original version of claim no. 18. In all other respects the motion is DENIED.

SO ORDERED.

/s/ Robert E. Grant
Chief Judge, United States Bankruptcy Court